IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 32385 of 2005(E)

PETITIONERS:

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1. MOHANKUMAR.V. S/O.SRI. M.VELAYUDHAKURUP, AGED 41 YEARS, WORKING AS JUNIOR ACCOUNTS OFFICER (PERSONAL CLAIMS)(OFFICIATING) O/O.THE PRINCIPAL GENERAL MANAGER MANAGER,BSNL, TELECOME DIST. THIRUVANANTHAPURAM 23,R/A.CHAITHANYA,TC.6/1960(2) ELIPPODU, VATTIYOORKAVU PO,TRIVANDRUM 13.

2. S.LOUIS, S/O.THE LATE S.STEPHEN, 48 YEAR WORKING AS JUNIOR ACCOUNTS OFFICER (TELECOME REV.) (OFFICIATING)OFFICE OF THE DEPUTY GENERAL MANAGER, TELECOME REVENUE,LIC BUILDING, PATTOM,TRIVANDRUM-4 PERMANENTLY, R/A.BHAVANAM, VALALVILA P.O. KOLLAMKODE, KANYAKUMARI DISTRICT.

3. JESSY GEORGE VARGHESE, D/O.THE LATE K.G. JACOB, AGED 51, WORKING AS JR.ACCOUNTS OFFICER, (PLANNING)(OFFICATING)O/O.THE DY.GENERAL MANAGER, PLANNING, CHEMBIKALAM BUILDING, VAZHUTHACAUD, TRIANDRUM 14, R/A.T.C.2/2137, T.P.J.ROAD,TPJ.NAGAR H.NO.118, PLAMMOODU, PATTOM, TRIVANDRUM 4.

4. P.RAMUAMMAL, D/O.THE LATE N.BHASKARA PILLAI, AGED 46, WORKING AS JR.ACCOUNTS OFFICER, (TELECOME REVENUE)(OFFICIATING)O/O.THE DY.GENERAL MANAGER, TELECOME REVENUE, LIC BUILDING, PATTOM, TRIANDRUM 4, R/A. TC 54/2015, DWARAKA, HARITHA NAGAR, PAPPANAMCODE PO, THIRUVANANTHAPURAM 18.

BY ADV. SRI.O.V.RADHAKRISHNAN (SR.)
SMT.K.RADHAMANI AMMA
SRI.ANTONY MUKKATH

WP(C) NO: 32385/2005

RESPONDENTS:
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1. BHARATH SANCHAR NIGAM LIMIED,
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR,
STATEMANS HOUSE, B-148, BARAKARAMBRA ROAD,
NEW DELHI 110 001.

2. THE DIRECTOR(FINANCE), BSNL, STATESMAN
HOUSE, B-148, BARAKARAMBRA ROAD, NEW DELHI 110 001

3. THE CHIEF GENERAL MANAGER,
TELECOMMUNICATIONS, BHARATH SANCHAR NIGAM LIMITED,
KERALA CIRCLE, THIRUVANANTHAPURAM.

4. THE UNION OF INDIA, REPRESENTED BY ITS
MINISTRY OF COMMUNICATION AND INFORMATION
TECHNOLOGY, DEPARTMENT OF TELECOMMUNICATIONS,
421 SANCHAR BHAVAN, 20 ASHOKA ROAD, NEW DELHI
110 001.

BY ADV. SRI.MATHEWS K.PHILIP,SC, BSNL
ADV. SRI.DEEPU THANKAN, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/07/2007 ALONG WITH WPC NO. 32395/2005, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 32385/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RECRUITMENT RULES, 1977 JR. ACCOUNTS OFFICERS SERVICES, TELECOMMUNICATION WING (GROUP C) NOTIFICATION DT. 15/4/77.

EXT.P2. COPY OF THE ORDER DT. 17/7/01 IN O. NO. 997/00 AND CONNECTED CASES, ON THE FILE OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXT.P3. COPY OF THE LETTER NO.RECTT/3/2/2001 DT. 31/1/2002 ALONG WITH THE SUPPLEMENTRAL LIST OF THE R3.

EXT.P4. COPY OF THE LETTER NO. RECTT/3/2/2002 DT. 4/09/03 ALONG WITH ANNEXURE -I, LIST OF CANDIATES.

EXT.P5. COPY OF THE ORDER NO. ST5/111/19 DATED 18/3/02 OF THE R3.

EXT.P5A. COPY OF THE ORDER NO. ST-5/111/02-03/45 DT. 10/1/03 OF THE R3.

EXT.P5B. COPY OF THE ORDER NO. ST. 11/JAO/OFFG/2003 DT.30/09/03 OF THE R3.

EXT.P6. COPY OF THE LETTER NO. RECTT/3/4/2002-I DT. 27/9/02 WITH CANDIDATES ADMITTED TO THE JAO PART II EXAMINATION TO BE HELD AT ERNAKULAM ON 9,11/10/02.

EXT.P7. COPY OF THE LETTER NO. 36-1/90 SEA DT. 10/7/90 OF THE DEPARTMENT OF TELECOME.

EXT.P8. COPY OF THE LETTER NO. 10-1/2001 DE DT. 23/7/02 ALONGWITH ANNEXURE 1 OF THE JT DY. DIRECTOR GENERAL NEWDELHI.

EXT.P9. COPY OF THE JR. ACCOUNTS OFFICERS RECRUITMENT RULES, 2001 NO. 36-2/2001 SEA DT.31/08/2001.

EXT.P10. COPY OF THE LETTER NO. 17-3/2000 SEA.II DT. 17/7/02 OF THE JT. DY. DIRECTOR GENERAL NEW DELHI.

EXT.P11. COPY OF THE GUIDELIENS ALONG WITH LETTER NO. 17-3/2000 SEA II DT. 9/9/02 OF THE ASST. DIRECTOR GENERAL NEW DELHI AND LETTER NO. RECTT/3-1/2000 DT. 21/10/02 OF THE R3.

EXT.P12. COPY OF THE LETTER NO. RECTT/3-4/2002 DT. 25/08/2003 OF THE SDE RECTT FOR CGMT TVM.

EXT.P13. COPY OF THE LETTER NO. RECT/3-4/2003 DT. -5/2004 OF THE AGM RECTT, FOR CGMT TRIANDRUM.

EXT.P14. COPY OF THE MARK LIST NO. RECTT/3-4/2003 DT. 17/8/04 MARKS OF THE P1.

EXT.P15. COPY OF THE -DO- MARKS OF THE P2.

EXT.P16. COPY OF THE MARK LIST NO. RECTT/3-4/2003 DT. 17/08/2004 MARKS OF THE P3.

EXT.P17. COPY OF THE MARK LIST NO. RECTT/3-4/2003 DT. 6/09/2004 MARKS OF THE P4.

EXT.P17A. COPY OF THE REPRESENTATION DT. 18/1/2005 OF THE P1.

EXT.P18. COPY OF THE ORDER DT. 4/3/05 IN CA NO. 2533/2005 SLPC NO. 19991/03 OF THE HONOURABLE SUPREME COURT.

EXT.P19. COPY OF THE ORDER NO. RECTT/30-6/II/SREENING/ 2002/REVIEW DT. 1/6/05 OF THE AGC (R&E) FOR CGMT, THIRUVANANTHAPURAM.

EXT.P20. COPY OF THE ORDER DT. 13/07/2005 IN WP NO. 16015/2004 OF THE HIGH COURT OF ANDHRA PRADESH.

EXT.P21. COPY OF THE LETTER NO. 451/2003 SEA DT. 13/10/2003 OF THE R1.

EXT.P21A. COPY OF THE REPRESENTATION DT. 27/6/2005 OF THE P2.

EXT.P22. COPY OF THE SCHEME AND SYLLABUS FOR 40% JAO INTERNAL EXAMINATION NOTIFIED AND CIRCULATED AS PER LETTER NO. 17-3/2000 SEA.II DT. 13/08/2002 OF THE R1.

EXT.P23. COPY OF THE LETTER NO. 4-29/2003 SEA (BSNL) DT. 12/10/2004 OF THE R1.

EXT.P24. COPY OF THE NOTIFICATION NO. 9-21/2004 DE DT. 6/09/2005 OF THE R1.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE NOTIFICATION DT. 8/7/02 BY THE ASST. DIRECTOR GENERAL BSNL NEW DELHI.

EXT.R1B. COPY OF THE ORDER DT. 8/11/2005 BY THE ASST. DIRECTOR GENERAL BSNL.

EXT.R1C. COPY OF THE LETTER DT. 12/12/05 BY THE ASST. DIRECTOR GENERAL, BSNL, NEW DELHI.

EXT.R1D. COPY OF THE NOTIFICATION DT. 27/12/2005 BY BSNL CORPORATE OFFICE, NEW DELHI.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C).Nos.32385 of 2005 & 32395 of 2005

Dated this the 31st day of July , 2007.

J U D G M E N T

In view of the subsequent developments, these writ petitions have become infructuous. Accordingly, they are closed, without prejudice to the contentions of the petitioners against Ext.R1(b) order. If they are aggrieved by that order, they will be free to challenge it.

K.BALAKRISHNAN NAIR,
JUDGE.

MS